



Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert R. Corbin

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ARIZONA ATTORNEY GENERAL

February 26, 1985

The Honorable Tony Gabaldon
State Senator
State Capitol, Senate Wing
Phoenix, Arizona 85007

Re: I85-026 (R85-009)

Dear Senator Gabaldon:

You have asked which teachers will be required to obtain bilingual education endorsements under A.R.S. § 15-754.A.

A.R.S. § 15-754.A requires school districts with ten or more limited English proficient students in any kindergarten program or grade level in any school to provide a bilingual program or English as a second language (ESL) program. The statute requires that "[b]eginning with fiscal year 1987-1988, classes of bilingual instruction shall be taught by teachers who possess a basic or standard certificate to teach with a bilingual education endorsement." (emphasis added).

A.R.S. § 15-754.A sets out four types of programs through which a school district can meet the statutory mandate:

1. A transitional bilingual program for grades K-6,
2. A structured bilingual program for grades 7-12,
3. A bilingual-bicultural program for grades K-8 or K-12, or
4. A formal ESL program.

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It is our opinion that the bilingual education endorsement requirement applies only to those teachers who teach in the first three enumerated programs. The school district may, in its discretion, develop a particular classroom model or program to implement the required bilingual program or ESL program, e.g. regular classroom or resource room. If the district was to organize its bilingual program using a regular classroom model,^{1/} those regular classroom teachers involved in the program would be required to obtain a bilingual education endorsement.^{2/} Similarly, if the district organized its bilingual program using a resource room model,^{3/} the resource teacher would be required to obtain the endorsement.

The mere presence of limited English proficient students in various classrooms does not trigger the endorsement requirement, nor does the incidental use of a language of instruction other than English by a classroom teacher. The key factor in determining whether a teacher is required to possess a bilingual endorsement is whether that teacher is teaching a class which is part of the school district's organized bilingual program.

Sincerely,



BOB CORBIN
Attorney General

BC:TLM:lsp

^{1/}That is, a program which utilizes a regular classroom as the principal setting for providing bilingual education.

^{2/}It is conceivable that a number of regular classroom teachers would be required to obtain a bilingual education endorsement in a school district with large numbers of limited English proficient students if the district adopts a bilingual program implemented by a regular classroom model. However, the statute does not mandate the adoption of any particular model of instruction. The decision regarding the most appropriate program and model of instruction lies with the local school district.

^{3/}That is, a program which utilizes a resource room as the principal setting for providing bilingual education.